THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO.

WRIT APPEAL No.202 of 2006

Dated 8th March 2006

BETWEEN:

The Senior Divisional Security Commissioner,

Railway Protection Force, Waltair Div., East Coast Railways, Visakhapatnam and others.

…….Appellants

And

M.Venkat Rao, S/o.Late M. Jagannadham,

Hindu, Visakhapatnam,

R/o.H.No.20-42, Bharatnagar,

Prahaladapuram, Gopalapatnam Post,

Visakhapatnam.

…….Respondents

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO.

WRIT APPEAL No.202 of 2006

–

JUDGMENT: (Per Hon'ble Mr Justice B.Prakash Rao)

Heard Sri.Gouri Shankar Sanghi, learned counsel appearing on behalf of the appellants and Sri. J.M. Naidu, learned counsel for the respondent and at their request, the main appeal itself is taken up for disposal.

This appeal is filed at the instance of the respondent No.1 in the writ petition No.9589 of 2004. This Court, while dismissing the writ petition, made certain remarks. It is the case of the writ petitioner that he aggrieves the non-striking of the portion of the enquiry conducted by the appellants.

Having heard the learned counsel on both sides and also perusing the material available on record, there is no dispute of the fact that it was held that the format prescribed, contemplates appointment of an inquiry officer or the disciplinary authority itself, though the office has nominated one for conducting the enquiry. Therefore, the learned single Judge found fault with the enquiry officer stating that he did not comply and did not take proper care at the time of communicating the information and hence imposed the costs of Rs.500/-.

The learned Standing counsel appearing for the appellants submits that the costs of Rs.500/- has already been paid. However, with regard to certain remarks made against the officer for non-striking the latter portion of the enquiry by virtually gives rise to the invalidity of the disciplinary enquiry.

Having regard to the submissions and also on perusal of the material on record, we see nothing personally that can be attributed to the officer to enable that the incident in the format that the letter decision shall be struck of especially. Therefore, the orders passed by the learned single Judge that the conduct of first respondent in

signing the printed format of the charge sheet is without application of mind and the non-striking of the latter portion of conducting the enquiry by the 1st appellant herein shall stand deleted.

Accordingly, the appeal is disposed of. No costs.

_____

(B. PRAKASH RAO, J)

_____

(D. APPA RAO, J)

Dated 8th March 2006.

mrb